



3 1761 06090844 9

**INTERNATIONAL TRADE REGULATION**

**Volume 2**

**2003**

**Professor Trebilcock**



**INTERNATIONAL TRADE REGULATION**

**Volume 2**

**2003**

**Professor Trebilcock**



**International Trade Regulation  
2003**  
**Professor Michael Trebilcock**

**TABLE OF CONTENTS**

**1) The Evolution of Trade Theory and Policy**

Michael J. Trebilcock and Robert Howse, *Regulation of International Trade*, 2nd ed., (London and New York: Routledge, 1999), Chapter 1

Dani Rodrik, "Sense and Nonsense in the Globalization Debate," (Summer 1997) *Foreign Policy* 19 1-1

Chapter 25, "Who is 'Us'?" in R. Reich, *The Work of Nations* (New York: Vintage, 1991) 1-9

Paul Krugman, "Competitiveness: A Dangerous Obsession," (1994) 73 (2) *Foreign Affairs* 28 1-17

Michael J. Trebilcock, "Post Seattle Reflections: A Qualified Defense of the International Rule of Law," in Norman Dorsen and Prosser Gifford (eds.), *Democracy and the Rule of Law* (2001) 319 1-22

**2) Overview of the GATT/WTO and NAFTA**

Trebilcock and Howse, Chapter 2

Robert Hudec, "Tiger, Tiger in the House: A Critical Appraisal of the Case Against Discriminatory Trade Measures," in Ernst-Ulrich Petersmann and Meinhard Hilf (eds.), *The New GATT Round of Multilateral Trade Negotiations* (Deventer/Boston: Kluwer Law International) 2-1

Debra Steger, "The World Trade Organization: A New Constitution for the Trading System," in Marco Bronckers and Reinhard Quick (eds.), *New Directions in International Economic Law* (The Hague/London/Boston: Kluwer Law International) 2-29

WTO-Ministerial Declaration initiating Doha Round, 14 Nov. 2001 2-49

**3) Dispute Settlement and Treaty Interpretation**

Trebilcock and Howse, Chapter 3

WTO, "Understanding on Rules and Procedures Governing the Settlement of Disputes," in *The WTO Dispute Settlement Procedures* (Geneva: World Trade Organization, August 1995) 3-1

“Is the WTO Dispute Settlement System Responsive to the Needs of Traders?” (1998) <i>J. World T.</i> 147	3-21
David Palmetter, “The Need for Due Process in WTO Proceedings,” (1998) <i>J. World T.</i> 147	3-31
Debra Steger, “The Appellate Body and its Contribution to the WTO Dispute Settlement,” (Minneapolis: The Political Economy of International Trade Law, University of Minnesota Law School, September 2000)	3-35
Debra Steger and S. Hainsworth, “New Directions in International Trade Law: WTO Dispute Settlement,” in James Cameron and Nicholas May (eds.), <i>Dispute Settlement in the WTO</i> (1998)	3-53
<b>4) Non-Discrimination: The Most Favoured Nation Principle</b>	
Trebilcock and Howse, Chapter 5	
Michael J. Trebilcock and Michelle Grando, “Interpretation and Application of the Most-Favoured Nation Principle,” forthcoming	4-1
Raj Bhala, “The Bananas War,” (2000) <i>McGeorge Law Review, University of the Pacific</i> 31(4), 843-971	4-72
<b>5) Non-Discrimination: The National Treatment Principle</b>	
Michael J. Trebilcock and Shiva K. Giri, “The National Treatment Principle in International Trade Law,” forthcoming	5-1
<b>6) Anti-Dumping Laws</b>	
Trebilcock and Howse, Chapter 7	
Jorge Miranda, “Should Anti-Dumping Laws be Dumped?” (1996) 28 <i>Law and Policy International Business</i> 255	6-1
Alan Sykes, “The Economics of ‘Injury’ in Anti-Dumping and Countervailing Duty Cases,” in J.S. Bhandari and A.O. Sykes (eds.), <i>Economic Dimensions in International Law: Comparative and Empirical Perspectives</i> (Cambridge: Cambridge University Press, 1997) 126	6-11
Ronald Cass and Michael Knoll, “The Economics of ‘Injury’ in Anti-Dumping and Countervailing Duty Cases: A Reply to Professor Sykes,” in J.S. Bhandari and A.O. Sykes (eds.), <i>Economic Dimensions in International Law: Comparative and Empirical Perspectives</i> (Cambridge: Cambridge University Press, 1997) 126	6-22

*WTO-United States – Anti-Dumping Act of 1916*, Report of the Appellate Body (2000) 6-30

Debra Steger, “Appellate Body Jurisprudence Relating to Trade Remedies,” forthcoming in *Journal of World Trade Law* (2001) 6-54

## **7) Subsidies and Countervailing Duties**

Trebilcock and Howse, Chapter 8

Robert Howse, “Settling Trade Remedy Disputes: When the WTO Forum is Better than the NAFTA,” C.D. Howe Institute Commentary (1998) 7-1

*Certain Softwood Lumber Products from Canada*, Decision of the Binational Panel of Remand (1993) 7-14

*Certain Softwood Lumber Products from Canada*, Extraordinary Challenge Committee (1994), views of Dissenting Member Wilkey 7-33

Michael J. Trebilcock, “Brazil-Canada Aircraft Subsidies in Dispute: The Definition of Export Subsidies and Remedies,” *Canadian Competition Record* 20(2) (Fall 2000) 32 7-38

## **8) Safeguards and Adjustment Assistance**

Trebilcock and Howse, Chapter 9

Alan Sykes, “GATT Safeguard Reforms: The Injury Test,” in M.J. Trebilcock and R. York (eds.), *Fair Exchange: Reforming Trade Remedy Laws* (Toronto: C.D. Howe Institute, 1990) 203 8-1

*WTO-United States – Safeguard Measures on Imports of Fresh, Chilled, and Frozen Lamb Meat from New Zealand and Australia*, Report of the Appellate Body (2001) 8-11

*WTO-United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities*, Report of the Appellate Body (2000) 8-65

Michael J. Trebilcock, “International Trade and International Labour Standards: Choosing Objectives, Instruments, and Institutions,” in Stefan Griller (ed.), *International Economic Governance and Non-Economic Concerns* (Vienna/New York: Springer-Verlag, 2003) 289 8-103

## **9) Trade in Services**

Trebilcock and Howse, Chapter 11

<i>WTO-European Communities – Regime for the Importation, Sale, and Distribution of Bananas</i> , Report of the Appellate Body (1997)	9-1
<i>WTO-Canada – Certain Measures Affecting the Automotive Industry</i> , Report of the Appellate Body (2000)	9-24
<b>10) Trade-Related Intellectual Property Rights</b>	
Trebilcock and Howse, Chapter 12	
<i>WTO-Canada – Term of Patent Protection</i> , Report of the Appellate Body (2000)	10-1
<i>WTO-Canada – Patent Protection of Pharmaceutical Products</i> , Report of Panel (2000)	10-17
<i>WTO – “Declaration on the TRIPS Agreement and Public Health,” Ministerial Declaration</i> , WT/MIN (01)/DEC/W/2, 14 November 2001	10-47
<i>United Nations – Economic, Social and Cultural Rights: The Impact of the Agreement on Trade Related Aspects of Intellectual Property Rights on Human Rights</i> , Report of the High Commissioner, UN Commission on Human Rights (June 2001)	10-49
<b>11) Trade-Related Investment Measures (TRIMS)</b>	
Trebilcock and Howse, Chapter 13	
Stephen Clarkson, “Systemic or Surgical? Possible Cures for NAFTA’s Investor-State Dispute Process,” <i>Canadian Business Law Journal</i> 36 (2002): 368-87	11-1
Julie Soloway and Jeremy Broadhurst, “What’s in the Medicine Chest for Chapter 11’s Ills?” <i>Canadian Business Law Journal</i> 36 (2002): 388-404	11-11
Todd Weiler, “Nafta Investment Arbitration and the Growth of International Economic Law,” <i>Canadian Business Law Journal</i> 36 (2002): 405-35	11-19
<b>12) Trade and Environmental Standards</b>	
Trebilcock and Howse, Chapter 15	
<i>WTO-United States – Import Prohibition of Certain Shrimp and Shrimp Products</i> , Report of the Appellate Body (1998)	12-1
<i>WTO-United States – Import Prohibition of Certain Shrimp and Shrimp Products</i> , Recourse to Article 21.5 of the DSU by Malaysia (2002)	12-45

**13) Agriculture and Sanitary and Phytosanitary Measures**

Trebilcock and Howse, Chapter 10

Michael Trebilcock and Julie Soloway, “International Trade Policy and Domestic Food Safety Regulation: The Case for Substantial Deference by the WTO Dispute Settlement Body Under the SPS Agreement,” in Daniel L.M. Kennedy and James D. Southwick (eds.), *The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec* (Cambridge: Cambridge University Press, 2002) 537-74

13-1

Daniel A. Farber, “The Case Against Clarity,” in Daniel L.M. Kennedy and James D. Southwick (eds.), *The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec* (Cambridge: Cambridge University Press, 2002) 575-82

13-21

NAFTA – *Tariffs Applied by Canada to US-Origin Agricultural Products*, Final Report of the Panel (1996)

13-26

*WTO-EC Measures Concerning Meat and Meat Products (Hormones)*, Report of the Appellate Body (1997)

13-51

**14) Trade and Developing Countries**

United Nations Development Programme, *Making Global Trade Work for People*, (London and Sterling, VA: Earthscan, 2003) 21-104

14-1

